REMARKS

This preliminary amendment is submitted along with a Request for Continued Examination and appropriate fee in reply to the Office Action dated October 5, 2006. Claims 1, 6-8, 11, 12, 14-17, 19- 26 currently stand rejected. Applicant gratefully acknowledges the Examiner's indication that claim 13 is allowed. Applicant has amended independent claims 1, 12, 14, 16 and 19-26 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §103

Claims 1, 6, 11, 12, 14-17, 19-23, 25 and 26 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Helm (U.S. Patent No. 5,835,388) in view of Acevedo (U.S. Patent No. 5,818,361). Claim 7 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Helm in view of Acevedo and further in view of Nomura et al. (U.S. Patent No. 6,700,508, hereinafter "Nomura"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Helm in view of Acevedo and further in view of Takala et al. (U.S. Patent No. 6,788,294, hereinafter "Takala"). Claim 24 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Helm in view of Acevedo and further in view of Schmucker (U.S. Patent No. 5,283,401).

Applicant previously amended independent claims 1, 12, 14, 16 and 19-26 to recite, *inter alia*, that the intra-changeable elements are configured to provide an output responsive to messages received at the communication unit. The Office Action admits that Helm fails to teach or suggest intra-changeable elements and thus, Helm necessarily also fails to teach or suggest that the intra-changeable elements are configured to provide an output responsive to messages received at the communication unit as recited in the claimed invention. However, the Office Action cites Acevedo as disclosing intra-changeable elements by virtue of Acevedo's disclosure at col. 4, lines 25-32. Specifically, the Office Action asserts that "the communication unit (keyboard) disclosed by Acevedo does comprise the intra-elements (display keys) that are

configured to provide an output (change in color) responsive to message (signals sent from computer based on the display software's determination) received at said keyboard." Applicant respectfully disagrees with this analysis.

As an initial matter, Applicant respectfully notes that the keyboard of Acevedo is not a communication unit (or device) as contemplated by the claimed invention. In this regard, Applicant respectfully submits that a conventional keyboard is well known to be merely a user interface and not a communication unit. However, in order to further clarify the difference between the communication unit (or device) of the claimed invention and Acevedo, Applicant has amended each of the independent claims 1, 12, 14, 16 and 19-26 to recite that the communication unit (or device) includes a display that is separate from the user interface. Since the keyboard of Acevedo clearly lacks a display separate from the user interface, Applicant respectfully submits that Acevedo fails to teach or suggest the above recited feature of the independent claims of the present application.

Should an effort be made to expand the scope of Acevedo's application to the claimed invention by arguing that the computer of Acevedo includes a display separate from the user interface, then it becomes even clearer that Acevedo fails to teach or suggest that the intra-changeable elements are configured to provide an output responsive to messages received at the communication unit. In this regard, Acevedo is directed to a keyboard in which LCD or LED displays provide the user with indicia of the function of each key on the keyboard. A physical characteristic of each key (i.e., appearance, color, character displayed, etc.) may be changed to correspond to the current application (col. 4, lines 1-24). However, from the perspective of the computer of which the keyboard is the user interface, Acevedo discloses only that the keys having such characteristics are input devices with respect to messages received at the computer. In this regard, the keys indicate a function associated with the key if the key should be pressed. For example, the keys include indicia that may indicate what function each key will have if pressed while playing a particular game. Alternatively, the keys may indicate corresponding foreign alphabet symbols. Meanwhile, the claimed invention contemplates use of the intra-changeable elements as both input and output devices. There is no indication from Acevedo that key characteristics are changed responsive to messages received at the computer. Accordingly

Acevedo fails to teach or suggest that the intra-changeable elements are configured to provide an output responsive to messages received at the communication unit as claimed.

Additionally, even if Helm is relied upon as disclosing a display, the combination of Helm and Acevedo still fails to teach or suggest that the intra-changeable elements are configured to provide an output responsive to messages received at the communication unit as claimed, since neither Helm nor Acevedo provides for use of intra-changeable elements as an output mechanism responsive to messages received at a communication unit having the characteristics defined in the claimed invention. In both Helm and Acevedo, if the communication unit is defined to include a computer (or laptop) display, then there is no key characteristic of the user interface of the communication unit that is changed responsive to messages received at the communication unit (e.g., computer or laptop).

Nomura, Takala and Schmucker also fail to teach or suggest that the intra-changeable elements are configured to provide an output responsive to messages received at said communication unit and are not cited as such.

Since none of the cited references alone teach or suggest that the intra-changeable elements are configured to provide an output responsive to messages received at said communication unit as claimed in independent claims 1, 12, 14, 16 and 19-26, any combination of the cited references likewise fails to render independent claims 1, 12, 14, 16 and 19-26 obvious for at least the same reasons described above. Claims 6-8, 11, 15 and 17 depend either directly or indirectly from corresponding ones of independent claims 1, 14 and 16, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 6-8, 11, 15 and 17 are patentable for at least those reasons given above for independent claims 1, 14 and 16.

Accordingly, Applicant respectfully submits that the rejections of claims 1, 6-8, 11, 14-17 and 19-26 are overcome.

CONCLUSION

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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